

FAIRFAX COUNTY ALCOHOL SAFETY ACTION PROGRAM



HANDBOOK

Revised 07/22/2014

DEFENDANT'S HANDBOOK

This Handbook has been prepared by the **FAIRFAX ASAP** in conjunction with the **NINETEENTH GENERAL DISTRICT COURT** and is given to all Fairfax ASAP participants to provide you with information regarding several important aspects of your probation, participation in ASAP, and your operator's license. While this information is provided, it is only meant to be an addition to and not a substitute for reading closely the documents that have been given to you by the Court, ASAP, and the Virginia (or other state's) DMV. If you have questions beyond the information contained in this handbook, please call your ASAP Probation Officer, your attorney, or the DMV.

The following section is taken from a memo provided by the Fairfax General District Court and will apply for all defendants convicted by the Fairfax General District Court. The procedures for filing a motion in other Courts and the location of the courthouses will vary and are explained below.

INFORMATION REGARDING DRIVING PRIVILEGES

Surrendering Your License

At the time of your ASAP referral, you should surrender your latest issued Virginia Operator's license. Failure to surrender or report a lost or stolen license will result in a longer suspension period. Section 46.1-441 of the Code of Virginia stipulates that the suspension period is counted from the date that the latest issued license is surrendered. If the license is not surrendered, the suspension period is automatically extended an additional 180 days (6 months) after conviction. An Operator's License suspended or revoked by a judge for 30 days or less is held at the traffic counter and may be picked up at the specified time.

Restricted Operator's License at Conviction

A Restricted Operator's License (ROL) may be issued by the sentencing Judge at conviction. If authorized, the clerk will prepare a "Restricted License Order" (also called "green sheet" or DC-265) which is valid for 15 days. For the Order to remain valid beyond the 15 days, it must be signed and stamped by the Fairfax ASAP. A copy of this order is also sent to the Virginia DMV so that a revised picture (plastic) license may be issued which is marked "Restricted ASAP". The revised (plastic) license must be obtained within 60 days of the conviction. After 60 days, the ROL Order and the revised license must be carried together in order for the restricted privileges to remain valid for the duration of the suspension. You will have to appear at a full service DMV office to obtain the revised license. **CARRY YOUR GREEN DC-265 AS WELL AS YOUR ASAP EDUCATION CLASS/COUNSELING REFERRAL LETTERS WITH YOU WHILE DRIVING UNTIL YOU RECEIVE FULL DRIVING PRIVILEGES.**

NO Restricted Operator's License at Conviction

If you were not granted restricted privileges at conviction, but are awarded privileges at a later date, **YOU MUST GO TO THE DMV TO TAKE CARE OF ANY ADMINISTRATIVE REQUIREMENTS BEFORE DRIVING** (i.e. driving/written tests, reinstatement fee, etc.). **The green DC-265 is not valid until these administrative requirements are met. This should be coordinated with your ASAP Probation Officer.**

MOTIONS

If you did not receive a ROL order on the date of your ASAP referral, and you are eligible to obtain one, you must first obtain a favorable written recommendation from your ASAP Probation Officer. You must then file a "motion" before the Court. Also, if you already have a ROL, but it needs to be amended to reflect a change of employer, change of address, or change in hours of employment, you must request an amended ROL by presenting a "motion".

For defendants convicted in **FAIRFAX GENERAL DISTRICT COURT, TOWN OF HERNDON, AND TOWN OF VIENNA:**

All motions to either obtain a ROL (see previous page for description), or to amend a ROL, must be heard by the original sentencing Judge. Thus, the Court must be contacted at least one day in advance so that the clerks may verify the availability of the sentencing judge on the date you request that the motion be heard. Once it is determined the Judge will be available, a motion may be filed at the ASAP counter of the Traffic Division Office (Room #176). The motion is to be filed before 8:30 a.m. on the same day it is to be heard. Depending on the Judge's assignment for that date, the case may be heard in a traffic, criminal, or civil courtroom.

For defendants convicted in the **CITY OF FAIRFAX:**

In the City of Fairfax, the Court is only in session on Tuesday and Thursday each week. To file a motion, you will need to follow the same procedures as above, except that you would not have to contact the Court in advance regarding the Judge's availability and you would initiate the procedure at the Clerk's office at the City of Fairfax Court House.

For defendants convicted in the **FAIRFAX CIRCUIT COURT:**

Contact and coordinate this procedure with your attorney. You will need to file the motion on the fourth floor of the Fairfax Judicial Center on a Tuesday and will appear in the Circuit Court on a Friday for the hearing.

For defendants convicted in the **FAIRFAX JUVENILE COURT:**

Contact and coordinate this procedure with your attorney, your ASAP Probation Officer, and Juvenile Court. You must file a motion at Juvenile Court and then appear in front of the referring Judge. The Court is in session each day.

For defendants referred from **Other ASAPs and convicted in OTHER VIRGINIA COURTS:**

Make your request to your Fairfax ASAP Probation Officer, at which time you will be provided with the name and number of the referring ASAP. You must then contact the referring ASAP to obtain the procedures in that locale.

DMV REQUIREMENTS FOR RESTRICTED OPERATORS LICENSES

As a reminder, if you are not in full compliance with the requirements of the Virginia DMV regarding the Restricted Operator's License (ROL), the DMV will suspend your privilege to drive in this state. The suspension/revocation will supercede the ROL issued by the Court. Depending upon the judge's order, the ROL will allow you to drive to and from work, during work, to ASAP and ASAP-related activities, to school, or to medical appointments.

Within four to six weeks of your conviction, the Virginia DMV will send a certified letter to the last address you provided them, giving you instructions regarding obtaining the ROL. You must go to a full service DMV to obtain the ROL and by a given date, you must:

- 1) Pay a \$220.00 reinstatement fee (to cover the cost of the ROL and the cost of the "new" license when the ROL has expired) to the DMV; and
- 2) Have on file, at the time you go to get the ROL from the DMV, "Proof of Financial Responsibility". This "Proof" is of a high risk car insurance policy that your insurance vendor will send "proof" to the DMV, by sending a form called FR-44 with insurance policy coverage limits of:
 - \$50,000 for injury or death to one person
 - \$100,000 for injury or death to two or more people
 - \$40,000 for property damageThis change applies to persons convicted of DUI-related offenses
 - Prior to January 1, 2008 and required to continue filing proof of insurance with DMV beyond December 31, 2007.
 - On or after January 1, 2008; and
- 3) Have enrolled in the ASAP in the jurisdiction in which you were convicted within 15 days of your conviction date.

The above are DMV requirements. The requirements may not be done earlier than the date given by the DMV. Any questions regarding receipt of the certified letter or other DMV procedures should be addressed directly with the DMV.

Please wait at least 30 days from the date your restricted driving privilege is written before going to the DMV to obtain your picture (plastic) license.

Reinstatement of Full Driving Privileges

When your suspension period ends, you must contact the DMV to obtain reinstatement of your full driving privileges and obtain a new license. DMV will not send you a new license automatically. **If you were convicted of a DUI 1st or 2nd, and did not successfully complete all ASAP requirements (program assignments, case review appointments and payment of fee), the DMV will not reinstate your driving privileges.**

For Out of State Licenses:

The Virginia DMV will require that you maintain the "Proof of Financial Responsibility" as stated above. You will be required to have your car insurance company file a FR-44 with the Virginia DMV for four years. If the insurance is not kept on file, the Virginia DMV will suspend your privilege to drive in Virginia – which may affect your driving privileges in the state in which you are licensed as well as other states. In addition, the Virginia DMV may send an "Abstract" of your DUI conviction to your state's DMV, who may take further actions on your license. Several states have an internal appeal process with their DMV's regarding this, and you will need to coordinate an appeal with them.

Check the Virginia Department of Motor Vehicles website section on financial responsibility certification for further information

IGNITION INTERLOCK

If the Court or the DMV requires that you have **IGNITION INTERLOCK** installed on your vehicle, you must report to the ASAP office with the Court order or DMV documentation. You may be required to have the device installed on any vehicle you own or co-own. There is an installation fee and a monthly charge for this service.

The ASAP office will review the documentation and then you must choose a VASAP approved ignition interlock vendor. Our office will send a referral to one of the below listed approved vendors so they can give you an appointment to have the device installed.

ALCOLOCK
(877) 859-4782

Draeger Safety Diagnostics, Inc.
(800) 332-6858

LifeSafer
(866) 202-3381

Smart Start
(800) 880-3394

You will need to be driven to their garage for the installation, and they will instruct you on the operation of the device. You will report to the ignition interlock company monthly for calibration of the device.

After installation, you must bring the certificate of installation to ASAP in order for it to be entered into the DMV database.

Your ASAP Probation Officer will receive notification of any positive reading after the device is installed, so it is your responsibility to ensure that no one but you operates the vehicle.

The device may be installed on a vehicle not owned by you (for instance, a work vehicle), but which is under your control.

ASAP must fax an approval for the removal of the device by the ignition interlock company at the conclusion of the requirement.

FAIRFAX ASAP ABSENCE POLICY

At the time of your intake at the Fairfax ASAP, the attendance policy for ASAP classes was presented in the orientation videotape and in the Conditions of Probation/Participation Agreement. It was stated that "Attendance of all ASAP classes was required" and that any absence must be reported to and have the prior approval of your Probation Officer. Specifically, this absence policy was developed so that ASAP clients were not penalized if they had to attend a funeral, had a medical problem, or experienced some type of serious emergency. The individual will do a make-up to allow for completion of the class time they missed, and will be required to pay a \$25.00 make-up fee.

For you to remain in compliance with this policy, if you have an emergency and request to miss one session, you are required to contact your Probation Officer in advance. With the prior approval of your Probation Officer, you may miss that one session without being dropped from your class. You will have to do a make-up which will be coordinated with your Probation Officer and will have to pay a \$25.00 make-up fee. If you are unable to contact your Probation Officer prior to missing a session, you must contact him or her the next day. This will result in either your case being returned to Court for violation of the participation agreement, or an additional rescheduling fee and new series of classes. You must complete your make-up assignment by the final session of your class.

If you are assigned to a 4-week treatment class, **NO ABSENCES** are allowed. If this happens you will be dropped and assigned to a new group and you will be required to pay a \$25 re-staffing fee.

CANCELLATION OF CLASSES DUE TO INCLEMENT WEATHER

DAY HOURS: If it snows, sleets, or there are exceptional weather conditions on the day of your class, the FAIRFAX ASAP will follow the **FAIRFAX COUNTY EXECUTIVE'S** decision regarding closing of County facilities. The decision will be made by 2:00 PM. If County facilities are closed, ASAP will also be closed. For closing announcements, check Media General Cable Channel 16, or by telephone on **(703) 324-INFO (4636)**. If facilities remain open, no announcement will be made.

EVENING HOURS: If it snows, sleets, or there are exceptional weather conditions during the afternoon or evening hours, ASAP may cancel classes even if County facilities remain open. If the classes are to be canceled, the announcement will be available by telephone recording on the Fairfax ASAP general office number of **(703) 246-2727**, and it will be available on the phone mail message of all the Probation Officers.

EXCEPTION: If your class is at Hayfield High School, class cancellation will be announced by the **FAIRFAX COUNTY SCHOOL SYSTEM** (since the building is under their authority). You must follow their policy. If the schools are closed due to the weather, your class is canceled. Please, do not call the school.

If your **FIRST CLASS** is cancelled due to inclement weather, you are required to show up the following week (same day and time).

ASAP STAFF

RECEPTIONIST (Main Number)	(703) 246-2727
ELWOOD JONES (Director)	(703) 246-2863
JULIE CAPLAN	(703) 246-2859
ERIKA MALMGREN	(703) 246-2829
RAFAEL ORTEGA	(703) 246-2864
JASON ROBBINS	(703) 246-2828
KENT HODGSON	(703) 246-2879
ASHLEY COLE	(703) 246-2858

FIRST OFFENSE POSSESSION PROGRAM

STEVE HALBROOK	(703) 246-2812
CLAUDIA VILLANUEVA FLORES	(703) 246-2885

HABITUAL OFFENDER PROGRAM

JASON ROBBINS	(703) 246-2828
DANI GONZALEZ (Restoration Evaluations)	(703) 246-2919

S.A.F.E. (JUVENILE) PROGRAM

NATALIE BARBA	(703) 246-2874
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If you have any questions or concerns, you may contact the Probation Supervisor, Jason Robbins at (703) 246-2828, or you may call the Director, Elwood Jones, at (703) 246-2863.

INFORMATION SHEET--ALCOHOL WITHDRAWAL

Today an ASAP worker may have asked you to stop drinking alcohol. Some persons attempt to do this by gradually cutting down, others stop drinking at once. Alcohol withdrawal can be a serious, even life-threatening, condition. With respect to this, we wish to inform you of the following:

It is best not to be alone. Make arrangements for someone to be with you.

Persons withdrawing from alcohol may experience some of the following symptoms: sweating, shakiness, nausea, vomiting, diarrhea, sleeplessness, itching, irritability, stiffness, loss of appetite, nervousness, and fever.

Alcohol withdrawal is most safely monitored and supervised by a physician. We recommend that you be in close contact with a doctor during this period of withdrawal. Use medication only as ordered by your doctor.

You or your doctor may consider hospitalization to help you stop drinking. A hospital provides the necessary support to withdraw from alcohol most comfortably and safely.

Many persons who are trying to stop drinking attend meetings of Alcoholics Anonymous (AA). AA meetings provide support. Remember: You don't have to stop drinking alone.

Use the resources available to you in your community. We have listed some of them below.

ALCOHOLICS ANONYMOUS -- (703) 281-7501

EMERGENCY NUMBERS:

VIRGINIA: Fairfax County Detox – (703) 502-7000
ACCESS (Emergency in Reston) - (703) 668-8333
Alexandria Hospital - (703) 504-3065 or (703) 504-3000
ARDC/Social Detox, Alex (703) 746-3636
Virginia Hospital Center - (703) 558-5000
Fairfax Hospital - (703) 776-1110, CATS (703) 776-7777
Mount Vernon Hospital - (703) 664-7111
Prince William Hospital - (703) 369-8333
Reston Hospital – (703) 689-9000

D.C.: George Washington Hospital (202) 715-4000
Medstar / Georgetown University Hospital (202) 444-2000
Providence Hospital - (202) 269-7001
Washington Hospital Center - (202) 877-7000

MARYLAND: Prince George's County Hospital - (301) 618-2000
Washington Adventist Hospital - (301) 891-7600

SUPPORT GROUPS

The following is a list, a brief description, and telephone numbers of self-help, referral, and support groups that offer services in the Northern Virginia and metropolitan area.

ONLINE SUPPORT MEETINGS ARE NOT ALLOWED.

ALCOHOLICS ANONYMOUS-INTERGROUP (A.A.): Self help and peer support for recovering alcoholics offers a broad variety of groups. (Local) Northern Virginia AA (703) 293-9753, toll free (800) 208-8649; Maryland and Washington DC (202) 966-9115; Loudoun County (703) 369-7979; Prince William County (703) 792-7800; Woodbridge (703) 792-4900. Website: <http://www.aavirginia.org/hp/>

NARCOTICS ANONYMOUS-INTERGROUP (N.A.): Self help and peer support for recovering drug addicts. (202) 399-5316 (Metropolitan Area) Website: <http://www.ctrna.org>

OFFICINA INTEGRUPAL DE VIRGINIA: Horario de reuniones; saado de 5 pm en adelante. (703) 360-5447

AL-ANON FAMILY, ALATEEN, and ADULT CHILDREN OF ALCOHOLICS: Support groups for anyone affected by someone else's alcoholism. (703) 534-4357

SMART RECOVERY: Self-help program based on modern cognitive/behavioral methods, particularly Rational Emotive Behavior Therapy. Religious or spiritual convictions are not a part of SMART. Website: <http://www.his.com/~washdcsmart/>

NATIONAL ASSOCIATION FOR CHILDREN OF ALCOHOLICS: Resource for children of alcoholics of all ages; referrals to appropriate support groups depending on status and needs. (301) 468-0985

NATIONAL COUNCIL ON ALCOHOLISM AND DRUG DEPENDENCE: Information and local referrals. (800) 622-2255

FEDERAL SUBSTANCE ABUSE & MENTAL HEALTH SERVICES ADMINISTRATION (SAMSA): Information on substance abuse prevention. (800) 729-6686